

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS**

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FEDERAL TRADE COMMISSION,

Plaintiff,

v.

DIRECT MARKETING CONCEPTS, INC., et  
al.,

Defendants.

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DIRECT MARKETING CONCEPTS, INC.,  
ITV DIRECT, INC., and DONALD W.  
BARRETT,

Cross-Claimant,

v.

HEALTHY SOLUTIONS, LLC, HEALTH  
SOLUTIONS, INC., ALEJANDRO  
GUERRERO, MICHAEL HOWELL, GREG  
GEREMESZ, ALLEN STERN,

Cross-Defendants.

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CIVIL ACTION NO. 04-CV-11136-GAO

**ASSENTED-TO MOTION TO EXTEND TIME FOR  
ITV DIRECT, INC. TO RESPOND TO PLAINTIFF'S  
MOTION TO STRIKE FIVE OF THE AFFIRMATIVE DEFENSES**

Defendants Direct Marketing Concepts, Inc., ITV Direct, Inc., and Donald Barrett ("DMC Defendants") hereby move this Court for a seven (7) day extension of time to respond to the Plaintiff Federal Trade Commission's ("FTC") Motion to Strike Five of the Affirmative Defenses of Direct Marketing Concepts, Inc., ITV Direct, Inc., and Donald Barrett in the above-captioned action. As grounds for this motion, DMC Defendants state as follows:

1. On August 25, 2004, FTC filed its Motion to Strike Five of the Affirmative Defenses of DMC Defendants.

2. Responding to the legal and factual issues raised in the Motion to Strike Five of the Affirmative Defenses will require investigation and preparation of several documents, including affidavits, a counterstatement of facts and a memorandum of law.

3. The response to the Motion to Strike Five of the Affirmative Defenses is currently due on September 8, 2004.

4. Counsel for DMC Defendants has conferred with FTC's Counsel, Edward Glennon, and Attorney Glennon has consented to the proposed extension of time.

5. DMC Defendants have not requested any prior extensions.

WHEREFORE, DMC Defendants respectfully request that this Court allows their motion to extend the time in which to file its response to FTC's Motion to Strike Five of the Affirmative Defenses, up to and including Wednesday, September 16, 2004.

Dated: September 8, 2004

Respectfully submitted,  
DIRECT MARKETING CONCEPTS, INC., ITV  
DIRECT, INC., and DONALD BARRETT

By their attorney(s),

/s/ Peter S. Brooks  
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